

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Heribert SCHMITT-WILLICH et al.

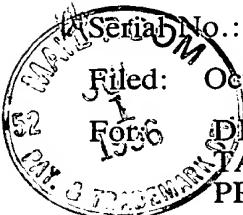
Serial No.: 08/319,357

Filed: October 6, 1994

BOX AAFR

Group Art Unit: 1211

Examiner: L. Chapman



52 DERIVATIZED DTPA COMPLEXES, PHARMACEUTICAL AGENTS CONTAINING THESE COMPOUNDS, THEIR USE, AND PROCESSES FOR THEIR PRODUCTION

**REQUEST FOR TRANSITIONAL
EXAMINATION UNDER 37 C.F.R. §1.129(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In accordance with the transitional procedures of 37 C.F.R. §1.129(a), applicants hereby request withdrawal of finality of the Office Action of November 30, 1995. The application satisfies the requirements under Rule 129(a), i.e., it has an effective pendency of at least 2 years as of June 8, 1995, taking into account reference to an earlier filed application under 35 U.S.C. §120. In addition, filed herewith is the \$750.00 statutory fee under 37 C.F.R. §1.17(r) which is being filed prior to the filing of an Appeal Brief and prior to the abandonment of the above-identified application.

Applicants request that the time for taking action in the above-identified application be extended pursuant to 37 C.F.R. §1.136(a). The statutory fee of \$110.00 for a one-month extension of time is included in the attached check.

In light of the above, applicants are entitled to have a first submission entered and considered on the merits after final rejection in accordance with Rule 129(a). Also filed herewith are copies of two Declarations under 37 C.F.R. §1.132 which were previously submitted but not considered.

Respectfully submitted,



Brion P. Heaney (Reg. No. 32,542)
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Filed: July 1, 1996

290-169 CP1208 #27
4-9-96
RP

Notice of Appeal From The Primary Examiner To the Board of Appeals

CORRUS. AND MAIL

BOX AF

In re application of: Heribert SCHMITT-WILLICH et al.

Serial No.: 08/319,357

For: DERIVATIZED DTPA COMPLEXES, PHARMACEUTICAL AGENTS CONTAINING THESE COMPOUNDS, THEIR USE, AND PROCESSES FOR THEIR PRODUCTION

Filed: October 6, 1994

Group Art Unit: 1208

The Assistant Commissioner for Patents
Washington, D.C. 20231



SIR:

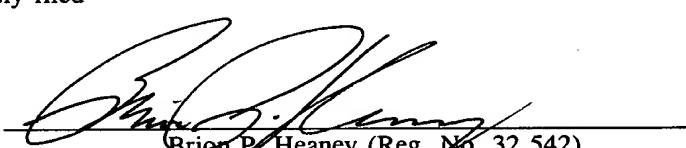
Applicant hereby appeals to the Board of Appeals from the decision dated November 30, 1995, of the Primary Examiner with respect to all the finally rejected claims, e.g., 2, 5, 6, 8, 9, 11, 13, 14, 16, 20-23, 30, 32, 36 and 40.

The item(s) checked below are appropriate:

1. Applicant(s) request(s) that the time for taking action in this case be extended pursuant to 37 C.F.R. §1.136(a).
 - Included in the attached check is the statutory fee of \$ 110.00 for an extension of time of one months.
 - If the box for the sentence immediately above is marked but no check is attached, then charge the statutory fee recited in such sentence for an extension of time of the number of months recited in such sentence to Deposit Account No. 13-3402. Two copies of this sheet are attached for this purpose.
 - Charge the Statutory Fee of \$ _____ for an extension of time of _____ month(s) to Deposit Account No. 13-3402, two copies of this sheet are being attached for this purpose.
2. A timely response to the final rejection is being filed herewith.
3. Amended claims presented in the response filed on _____ have been approved for entry.
Accordingly, the appealed claims are claims _____
4. Fee \$ 290.00
 - The amount of \$ 290.00 is included in the attached check.
 - Not required (fee paid in prior appeal).
 - Please charge my Deposit Account No. 13-3402 in the amount of \$ _____, 2 copies of this sheet are attached.
 - Charge any deficiencies in the payment of fees associated with this communication or credit any overpayment to Deposit Account No. 13-3402.
 - Small Entity Status Claimed under 37 C.F.R. §1.9 and 37 C.F.R. §1.27.

Statement(s): Attached Previously filed

Signature (Rule 191(b)).....


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Atty's Docket: SCH 1412

Filed: April 1, 1996